

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARRYL ORRIN BAKER,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-147E
)	
UNITED STATES OF AMERICA)	JUDGE McLAUGHLIN
GOVERNMENT OFFICIALS AT)	MAGISTRATE JUDGE BAXTER
FCI-McKEAN, WARDEN, OFFICER)	
B. WESEMEN, MEDICAL DEPARTMENT)	ELECTRONICALLY FILED
)	
Defendants.)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

AND NOW, comes the Federal Defendants, United States of America, Government Officials at FCI-McKean, Warden, Officer B. Wesemen and the Medical Department, by their attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul E. Skirtich, Assistant U.S. Attorney for said district, and files the following Motion for Summary Judgment, pursuant to Rule 56 of the Fed. R. Civ. P., and respectfully moves the Court to grant the Defendants' Motion for Summary Judgment in favor of the Federal Defendants, upon the ground that the pleadings show that there is no genuine issue as to any material fact, and the United States is entitled to judgment as a matter of law.

A Memorandum of Law in support of this Motion is filed with this Motion, and the contents therein are incorporated by reference as if stated herein.

WHEREFORE, the Federal Defendants, United States of America, Government Officials at FCI-McKean, Warden, Officer B. Wesemen and the Medical Department, respectfully requests that the Court grant their Motion for Summary Judgment in favor of the Federal Defendants and against Plaintiff, Darryl Orrin Baker.

Respectfully submitted,

MARY BETH BUCHANAN
UNITED STATES ATTORNEY

s/Paul E. Skirtich
PAUL E. SKIRTICH
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment was electronically filed and/or served by postage-paid U.S. Mail on this 30th day of January, 2008, to and upon the following:

Darryl Orrin Baker
Reg. No. 19613-039
Federal Correctional Institution
P.O. Box 1000
Sandstone, MN 55072

s/Paul E. Skirtich
PAUL E. SKIRTICH
Assistant U.S. Attorney